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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/973,581	10/09/2001	Jay S. Walker	01-033	5776
22927	7590	06/07/2005	EXAMINER	
WALKER DIGITAL FIVE HIGH RIDGE PARK STAMFORD, CT 06905			ANWAH, OLISA	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 06/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,581

Applicant(s)

WALKER ET AL.

Examiner

Olisa Anwah

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2645

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-22 are rejected under 35 U.S.C § 103(a) as being unpatentable over Sonesh et al, U.S. Patent No. 6,614,783 (hereinafter Sonesh) in view of Dezonno et al, U.S. Patent Application Publication No. 2005/0074108 (hereinafter Dezonno).

Regarding claim 1, Sonesh discloses a method comprising:
receiving a call from a caller, the call being associated with a first merchant;
placing the call in a queue for the first merchant;
determining a destination; and
establishing a connection with the destination while the call remains in the queue for the first merchant (column 11).

Art Unit: 2645

Sonesh fails to teach the destination is a second merchant and enabling the caller to make a purchase from the second merchant. All the same, Dezonno discloses this limitation (see abstract). For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sonesh with the merchant of Dezonno. This modification would have improved the convenience of Sonesh by performing transactions via a data network as suggested by Dezonno (paragraph 0007).

Regarding claim 2, Sonesh shows a method comprising:

- receiving an incoming call from a caller;
- placing the incoming call in a queue;
- determining at least one destination;
- determining access information associated with the at least one destination; and
- establishing a connection based on the access information while the incoming call remains in the queue (column 11).

Sonesh does not explicitly teach the destination is a merchant and enabling the caller to make a purchase from the at least one merchant. All the same, Dezonno discloses this limitation (see abstract). For this reason, it would have been

Art Unit: 2645

obvious to one of ordinary skill in the art at the time the invention was made to modify Sonesh with the merchant of Dezonno. This modification would have improved the convenience of Sonesh by performing transactions via a data network as suggested by Dezonno (paragraph 0007).

Regarding claim 3, see column 11 of Sonesh.

Regarding claim 4, see column 7 of Sonesh.

Regarding claim 5, see column 7 of Sonesh.

Regarding claim 6, see column 7 of Sonesh.

Regarding claim 7, see abstract of Sonesh.

Regarding claim 8, see column 4 of Sonesh.

Regarding claim 9, see column 2 of Sonesh.

Regarding claim 10, see column 2 of Sonesh.

Regarding claim 11, see column 7 of Sonesh.

Regarding claim 12, see Figure 6 of Sonesh.

Regarding claim 13, see column 7 of Sonesh.

Regarding claim 14, see column 7 of Sonesh.

Regarding claim 15, see abstract of Sonesh.

Regarding claim 16, see column 11 of Sonesh.

Regarding claim 17, Sonesh discloses a method comprising:

Art Unit: 2645

receiving an incoming call from a caller via a first connection;

placing the incoming call in a queue;

determining information that is associated with the incoming call;

providing to the caller a menu indicating at least one destination;

receiving from the caller an indication of a destination;

establishing a second connection between the caller and the destination while the incoming call remains in the queue;

transferring the incoming call from the queue to an attendant (see Figure 6).

Sonesh fails to teach the destination is a merchant. Sonesh also fails to show determining a telephone number associated with the merchant, wherein the second connection is based on the telephone number. All the same Dezonno discloses these limitations (see abstract). Hence it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sonesh with the merchant of Dezonno. This modification would have improved the convenience of Sonesh by performing reliable purchases as suggested by Dezonno (see paragraph 0007).

Art Unit: 2645

Regarding claim 18, see column 8 of Sonesh.

Regarding claim 19, see column 2 of Sonesh.

Regarding claim 20, see column 2 of Sonesh.

Regarding claim 21, see Figure 6 of Sonesh.

Regarding claim 22, see column 4 of Sonesh.

Response to Amendment

3. Applicant's arguments have been considered but are deemed to be moot in view of the new grounds of rejection.

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 2645

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

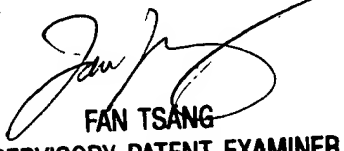
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olisa Anwah whose telephone number is 571-272-7533. The examiner can normally be reached on Monday to Friday from 8.30 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 571-272-7547. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

OA

Olisa Anwah
Patent Examiner
May 23, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600